



January 30, 2004

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## HOUSE BILL No. 1245

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DIGEST OF HB 1245 (Updated January 21, 2004 5:41 pm - DI 107)

**Citations Affected:** IC 20-5; IC 35-46; noncode.

**Synopsis:** Neglect of dependent. Makes neglect of a dependent a Class A felony instead of a Class D felony if the neglect results in the death of a dependent who is less than 14 years of age and is committed by a person at least 18 years of age.

**Effective:** July 1, 2004.

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### Van Haaften

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January 15, 2004, read first time and referred to Committee on Judiciary.  
January 26, 2004, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.  
January 29, 2004, referral to Committee on Ways and Means pursuant to Rule 127 withdrawn.

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HB 1245—LS 6810/DI 69+



January 30, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1245

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-46-1-4, AS AMENDED BY P.L.133-2000,  
2       SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2004]: Sec. 4. (a) A person having the care of a dependent,  
4       whether assumed voluntarily or because of a legal obligation, who  
5       knowingly or intentionally:

6               (1) places the dependent in a situation that endangers the  
7               dependent's life or health;  
8               (2) abandons or cruelly confines the dependent;  
9               (3) deprives the dependent of necessary support; or  
10              (4) deprives the dependent of education as required by law;  
11       commits neglect of a dependent, a Class D felony.

12       (b) However, the offense is:

13               (1) a Class C felony if it is committed under subsection (a)(1),  
14               (a)(2), or (a)(3) and results in bodily injury;  
15               (2) a Class B felony if it is committed under subsection (a)(1),  
16               (a)(2), or (a)(3) and results in serious bodily injury; ~~and~~  
17               (3) **a Class A felony if it is committed under subsection (a)(1),**

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**(a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death of a dependent who is less than fourteen (14) years of age; and**

**(4) a Class C felony if it is committed under subsection (a)(2) and consists of cruel or unusual confinement or abandonment.**

(c) It is a defense to a prosecution based on an alleged act under this section that:

(1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age with an emergency medical provider who took custody of the child under IC 31-34-2.5 when:

(A) the prosecution is based solely on the alleged act of leaving the child with the emergency medical services provider; and

(B) the alleged act did not result in bodily injury or serious bodily injury to the child; or

(2) the accused person, in the legitimate practice of his religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to his dependent.

(d) Except for property transferred or received:

(1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or

(2) under IC 35-46-1-9(b);

a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a Class D felony.

**SECTION 2. [EFFECTIVE JULY 1, 2004] IC 35-46-1-4, as amended by this act, applies only to offenses committed after June 30, 2004.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1245, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 9.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1245 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 9, nays 0.

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